

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

SUBJECT: COMMISSION INVESTIGATIONS

ITEM
NUMBER **0080-04-13**

DATE: JUNE 27, 2011

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Purpose

To provide information to complainants and respondents who are subject to a Civil Service Commission investigation.

Background

Charter Section 907 and Civil Service Rule XI provides the Commission with broad discretion in conducting investigations for purposes of protecting the merit basis of the personnel system. Such investigations may be conducted as the result of complaints filed by individuals or because of the Commission's own initiative. Charter Section 907.1 also provides the Commission with broad discretion as to any remedies they may deem necessary.

Definition of the Commission's investigative jurisdiction - Charter Section 907 charges the Commission with the responsibility of protecting the merit basis of the personnel system. Charter Section 900 defines the personnel system as recruitment, selection, promotion, retention of employees on the basis of merit, and the development of a County career service. Charter Section 901 provides for an employment policy that includes hiring, transferring, promoting, compensating, disciplining and dismissing on the basis of job-related qualifications, merit and equal opportunity.

Therefore, the Commission's investigative jurisdiction includes all of the above subject areas such as recruiting, promoting, retaining employees, transferring, compensating, disciplining, and a County career system. Please note that complaints about the selection process are not normally handled as investigations but as hearings under Rule X.

Procedure

1. Requests for Investigation.

- A. Timing - The Charter and Rules do not address the subject of timely requests for investigations. However, complainants should keep in mind that the Commission may investigate matters at their own discretion. Therefore, a complainant is risking the chance of not having concerns formally addressed by the Commission if the complaint is not filed within a reasonable time from the date of occurrence.
- B. Format - Requests for investigations shall be submitted in writing and may be delivered, faxed, emailed or mailed to the Commission Office at 1600 Pacific Highway, San Diego, California 92101, Room 458, Mail Station, A209. Letters should be to the point and should contain statements of essential facts such as identification and explanation of Charter or Rule sections that have been violated, dates of occurrences, and a clear statement of what is being requested of the Commission. Care should be taken not to include vague statements or requests for investigating entire systems rather than the specific subjects of complaint.

2. Procedure for Investigation.

- A. Technique - Commissioners may use any technique they deem appropriate to thoroughly investigate matters before them. They may interview individuals or groups of people; they may require written statements or records; they may subpoena individuals or records; they may use Commission staff or counsel to assist them in any part of their investigation.

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- B. Confidentiality – Commissioners' investigative reports are to be treated as confidential, prior to their disclosure and discussion at a public meeting. However, where it is deemed to be in the best interest of the merit system in reaching an equitable solution to the problem being investigated, the investigating Commissioner may discuss such information as is necessary with those individuals who may have information or expertise not otherwise available.
 - C. Discrimination Investigations – See policy 0080-04-8 and Civil Service Rule VI.
3. Procedure for Reporting
- A. Format - All investigative reports will include background, findings and recommendations.
 - B. Presentation to Commission - Commissioners may read investigative report prior to a public meeting, however, they may not discuss the report with anybody other than Commission staff and individual Commissioners prior to the public meeting.

After the report is orally read in part or in its entirety at the public meeting, Commissioners may discuss any portion of the report among themselves. Public input may be given at the public meeting prior to the reading of the findings by the investigative officer.

Approved:



Walter F. Ekard
Chief Administrative Officer

Responsible Department(s):

Civil Service Commission (Approved 6/1/2011)

Concurring Department(s):

Department of Human Resources